

REMARKS

In response to the Office Action dated September 29, 2009 (hereinafter “the Office Action”), claims 1, 4-10, 12, 14-23, 25-37, and 39-41 are pending. Claims 1, 5, 22, 23, 25-37, and 39-41 have been amended. Claims 2, 3, 11, 13, 24, and 38 have been cancelled. No new matter has been introduced. Reexamination and reconsideration of the present application are respectfully requested.

Claims 22 and 36 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.” (*Office Action*, p. 4.) The Examiner further stated that the terms “program code storage device,” and “machine-readable storage medium” do not appear in the specification. *Id.* Applicant has amended claims 22 and 36, and respectfully requests that the 35 U.S.C. 112, first paragraph rejection be withdrawn.

Claims 13 and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that “[i]t is not understood as to what is meant by ‘using various content recognition algorithms’ as definitions or examples of the content recognition algorithms are not explained in the specification.” (*Office Action*, p. 4.) Applicant has cancelled claims 13 and 24.

Claims 1-8, 10-16, 21-30, and 34-38 were rejected under 35 U.S.C. 102(e) as being anticipated by Novak et al., U.S. Pat. No. 7,032,177.

Claims 9 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Novak,

in view of well-known prior art.

Claims 17, 19-20, 32, and 39-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, in view of Ellis et al., U.S. Pat. No. 5,436,653.

Claims 18 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, in view of Ellis, and further in view of well-known prior art, to which the Examiner took Official Notice "that it was old and well known in the art to include wherein a video frame is represented by a two-dimensional fast [F]ourier transform (FFT), and an audio frame is represented by a one-dimensional fast [F]ourier transform (FFT)." (*Office Action*, p. 17.)

Applicant respectfully traverses these rejections for the reasons set-forth below.

35 U.S.C. 102(e) (Novak)

The Examiner cited Novak et al., U.S. Pat. No. 7,032,177 ("Novak") under 35 U.S.C. 102(e) as anticipating claims 1-8, 10-16, 21-30, and 34-38.

Independent claim 1, as amended, recites:

A home media server content management and processing system, comprising:

an editing platform running editing software;

a database, contained in the editing platform, to store media producer specified multi-media content;

a set of instructions and data generated by a media producer to assemble an edited program using specified segments of the multi-media content;

a network to distribute the multi-media content, the set of instructions, and the data generated by the media producer to home media servers;

a home media server to receive the multi-media content, the set of instructions, and the data generated by the media producer from the editing platform via the network, wherein the home media server emulates assembly of the edited program using the multi-media content, the set of instructions and the data generated by the media producer, and displays the assembled edited program on a monitor,

wherein **emulating assembly of the edited program includes using data to search at least one of a home media server storage medium and the Internet for multi-media content titles specified by the media producer and to search, bid for, obtain rights to, schedule, and manage recording of broadcast, and on-demand media content.**

Novak does not disclose, teach, or suggest the limitation of “wherein *emulating assembly of the edited program includes using data* to search at least one of a home media server storage medium and the Internet for multi-media content titles specified by the media producer and *to search, bid for, obtain rights to, schedule, and manage recording of broadcast, and on-demand media content.*” The Examiner cited to Novak, and stated that “Novak discloses that the media program may be recorded by the editing device (402) from a broadcast medium, or downloaded from a server, such as a video-on-demand server” (emphasis added). (*Office Action*, p. 7 citing Novak, col. 8, ll. 24-47 and Fig. 4.) However, Applicant respectfully submits that Novak does not disclose, teach, or suggest that a receiving home media server uses data to “*search, bid for, obtain rights to, schedule, and manage recording of broadcast, and on-demand media content.*” Accordingly, Applicant respectfully submits that amended independent claim 1 distinguishes over Novak.

Furthermore, Ellis nor the Examiner’s “Official Notice,” either alone or in combination, overcome the deficiencies of Novak. Hence, independent claim 1, as amended, distinguishes over each and every reference cited by the Examiner.

Moreover, amended independent claims 5, 22, and 36 recite similar limitations to those of amended independent claim 1. Therefore, Applicant respectfully submits that independent claims 5, 22, and 36, as amended, distinguish over the cited references for the same reasons stated above with respect to amended independent claim 1.

Claims 4, 6-10, 12, 14-21, 23, 25-35, 37, and 39-41 depend from either amended independent claims 1, 5, 22, or 36. Accordingly, dependent claims 4, 6-10, 12, 14-21, 23, 25-35, 37, and 39-41 distinguish over Novak, Ellis, and the Examiner’s “Official Notice,” either alone or in combination, for the same reasons submitted above with respect to amended independent

claims 1, 5, 22, and 36. Therefore, Applicant respectfully submits that pending claims 1, 4-10, 12, 14-23, 25-37, and 39-41 are in condition for allowance.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference call would advance prosecution of the application.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

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By: Roger R. Wise
Roger R. Wise
Registration No. 31,204
Attorney for Applicant

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033